

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Objection to the drawings

The drawings are presently objected to for certain informalities. In particular, the examiner notes that Fig. 2 should be designated by a legend such as --Prior Art--.

Revised Fig. 2 is shown in the "Replacement Sheets" of drawing appended herewith. Fig. 2 has been corrected to include the legend "Prior Art," obviating the examiner's objection.

The examiner also notes that the reference character "130" appears on Fig. 2, but is not mentioned in the description. This objection has been addressed by an amendment to the specification, discussed below.

In view of the revised Fig. 2, and the amended specification, withdrawal of the drawing objections is requested.

In the specification

The specification is amended by including reference to the reference character 130 designating outwardly splashing liquid developer. It is respectfully submitted that, with arrow 131 described as indicating "some of the liquid developer slashes back to the substrate" (lines 6-7 of page 2), it is clear that arrow 130 (extending outwardly from the rotating device 110) similarly indicates splashing of the liquid developer, but splashing outwardly. Accordingly, it is respectfully submitted that no new matter is added.

The specification is also amended to point out that the stainless steel web 50 is mounted at an upper periphery of the guard means 40. This amendment is made to provide literal antecedent basis for an amendment to the claims. The positioning of the stainless steel web 50 at the upper periphery of the guard means is clearly seen in Fig. 1,

and therefore this amendment does not constitute new matter. The examiner is requested to review the amended specification, and to confirm that no new matter is added.

Rejection of claim 6 under 35 U.S.C. § 112, second paragraph

Claim 6 presently stands rejected as being indefinite. In particular, the examiner states that “the term ‘well suited’ in claim 6 is a relative term which renders the claim indefinite.”

Claim 6 is amended to recite “wherein said apparatus is applied to a developing apparatus or a scrubber.” In view of the amendment to claim 6, withdrawal of the rejection is requested.

Rejection of claims 1-3 and 6 under 35 U.S.C. § 102

Claims 1-3 and 6 presently stand rejected as being anticipated by Fujimura et al (U.S. 4,393,807) and by Hosack (U.S. 2002/0185153), and claims 1-3 are rejected as being anticipated by Nishimura (JP 10-034054). This rejection is respectfully traversed for at least the following reasons.

Claim 1 is amended to further provide that the roughening unit is mounted at an upper periphery of the guard means. It is respectfully submitted that none of Fujimura, Nishimura, and Hosack disclose or suggest a roughening unit mounted at an upper periphery of a guard means.

Fujimura and Nishimura both disclose a lower surface of a guard means (the deflector ring DR in Fujimura, and the spin cup wall 16) having a rough finish. According to Fujimura, “the lower surface of the ring body 11 of the deflector ring DR is roughly finished surface” (*Fujimura*; col. 4, lines 65-66), while in Nishimura plural projection parts 16a are formed on an inside (lower, because of inclination of the spin cup wall) surface of a spin cup.

Fujimura discloses an “annular barrier 12a formed at the inner peripheral edge of the ring body.” (*Fujimura*; col. 4, lines 27-28). However, there is no teaching or suggestion that the annular barrier 12a is a roughening unit, and since the ring body itself

is generally horizontal (see Fujimura; Figs. 1-4, 6-10), the inner peripheral edge cannot be construed to be an upper periphery, particularly since the annular barrier extends both below and above the ring body.

Nishimura provides no element mounted at an upper periphery of the spin cup wall, and therefore there is no teaching or suggestion (construing the spin cup wall to be a guard means) of a roughening unit or any other structure mounted at an upper periphery of the spin cup wall.

Accordingly, neither Fujimura nor Nishimura disclose or suggest a *roughening unit mounted at an upper periphery* of a guard means.

Hosack discloses an embodiment wherein a mesh-type splash guard 230 is employed, wherein “the mesh-type slash guard 230 comprises a frame 232 and a mesh portion 234.” (*Hosack*; para. [0083]). Hosack notes that “the mesh portion 234 may be affixed to the frame 232 or the frame and mesh may be unitary.” (*Hosack*; para. [0083]). Referring to Hosack’s Fig. 14, a frame 232 constitutes upper and lower rings that support the mesh portion 234.

Hosack provides that “the *mesh portion 234* of the mesh-type slash guard 230 intercepts the liquid being spun off an upper surface of the substrate 114 in a manner that prevents the liquid from splashing back onto the upper surface of the substrate.” (*Hosack*; para. [0085]) (emphasis added). However, there is no teaching or suggestion that the frame itself is roughened, or contributes in any way to preventing splash-back.

Since the frame (and particularly the upper ring of the frame) is not a roughening unit, even construing the mesh portion 234 to be a guard means and the upper ring of the frame 232 to be mounted at an upper periphery of the mesh portion (although considering the frame 232 as a whole, while the frame 232 supports the mesh portion the frame as a whole cannot be considered to be mounted at an upper periphery of a guard means), there is no teaching or suggestion at all of a roughening unit mounted at an upper periphery of a guard means.

For at least these reasons, it is respectfully submitted that none of Fujimura, Nishimura, and Hosack anticipate claim 1 of the present application since none disclose or suggest a roughening unit mounted at an upper periphery of a guard means.

Therefore, it is respectfully submitted that claim 1, along with claims 2-6 which depend from claim 1, are allowable over the cited references, and withdrawal of these rejections is requested.

Rejection of claims 4 and 5 under 35 U.S.C. § 103(a)

Claims 4 and 5 presently stand rejected as being unpatentable over Hosack. This rejection is respectfully traversed for at least the following reasons.

As discussed above, Hosack fails to disclose or suggest each and every element set forth in claim 1, since Hosack does not disclose or suggest a roughening unit mounted at an upper periphery of a guard means. Claims 4 and 5 depend from claim 1. Therefore, claims 4 and 5 are allowable over Hosack for at least the same reasons discussed above with respect to claim 1. Accordingly, withdrawal of the rejection is requested.

Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-6 be allowed and the application be passed to issue.


Application No.: 10/724,744
Examiner: J. Riggleman
Art Unit: 1746

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500

Date: March 15, 2007

Respectfully submitted,


JOHN R. SCHAEFER
Attorney for Applicant
Registration No. 47,921